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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 UNITED STATES OF AMERICA,)	No. 10CR 808 LHK
)	
14 Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING TO
15 v.)	October 26, 2011 AND EXCLUDING
)	TIME FROM September 14, 2011, TO
16 JORGE ALEJANDRO HERNANDEZ,)	October 26, 2011 FROM THE SPEEDY
)	TRIAL ACT CALCULATION
17 Defendant.)	
)	
18)	

19 The Parties, Bruce Funk and the United States, acting through respective counsel, hereby
20 stipulate, subject to the Court's approval, that the hearing currently set for September 14, 2011 at
21 10 am be vacated, and that the hearing be re-set for October 26, 2011 at 10am. The parties are
22 requesting the continuance of the hearing due to the need for additional time for effective
23 preparation, the need to jointly negotiate a resolution in this matter, for the continuity of counsel,
24 and in light of the fact that this case has been recently re-assigned to Carolyn A. Sanin.

25 The parties stipulate that the time between September 14, 2011 and October 26, 2011, is
26 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the
27 requested continuance would unreasonably deny defense counsel reasonable time necessary for
28 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree
that the ends of justice served by granting the requested continuance outweigh the best interest of

1 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
2 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

3 DATED: September 8, 2011

MELINDA HAAG
United States Attorney

5 /s/_____
6 Carlyne A. Sanin
7 Special Assistant United States Attorney

8 /s/_____
9 Bruce Funk
10 Attorney for Defendant

[PROPOSED] ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing in this matter previously set for September 14, 2011 at 10am is vacated, and the matter is continued to October 26, 2011 at 10am. Further, the Court ORDERS that the time between September 14, 2011 and October 26, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: 9/12/11



LUCY H. KOH
UNITED STATES DISTRICT JUDGE